

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Establishment – Disciplinary action proposed on the irregularities in evaluation and approval of tenders and price escalation by Sri S. Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Department, Hyderabad - Articles of Charges – Issued.

TRIBAL WELFARE (SER.I.A1) DEPARTMENT

G.O.Rt.No.470

Dated: 08-12-2015.

Read the following:-

General Administration (Vigilance & Enforcement) Department, Govt. of
Telangana, Vigilance Report No.17 (C.No.639/V&E/E-1/2012), dated
16.02.2015.

* * * *

ORDER:

It is proposed to hold an enquiry against Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad, presently working as the Chief Engineer, Outer Ring Road, HMDA, Hyderabad, in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991.

2. The substance of the imputations of misconduct/misbehaviour in respect of which the inquiry proposed to be held is set out in the enclosed statement of articles of charges (Annexures-I). A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexures II and III).

3. Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad, presently working as the Chief Engineer, Outer Ring Road, HMDA, Hyderabad, is directed to submit his written statement of defense within (15) days of the receipt of this order.

4. Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad, presently working as the chief Engineer, Outer Ring Road, HMDA, Hyderabad, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charges.

5. Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad, presently working as the Chief Engineer, Outer Ring Road, HMDA, Hyderabad, is further informed that if he fails to submit his written statement of defense within 15 days as specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad, presently working as the Chief Engineer, Outer Ring Road, HMDA, Hyderabad, is invited to Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to this services under the Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri S.Nagabhushanam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules 1964.

7. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri S.Nagabhushanam the then Engineer-in-Chief, Tribal Welfare Hyderabad,
presently working as the Chief Engineer, Outer Ring Road, HMDA, Hyderabad
(through the Commissioner of Tribal Welfare, Telangana State, Hyderabad / Chief Engineer,
Tribal Welfare, Telangana State, Hyderabad)

Copy to the Commissioner of Tribal Welfare, Telangana State, Hyderabad.

Copy to the Chief Engineer, Tribal Welfare, Telangana State, Hyderabad.

Sc/Sf.

//FORWARDED::BY ORDER//

SECTION OFFICER.

ANNEXURE – I

Statement of Article of Charges framed against Sri S. Nagabhushanam, former Engineer-in-Chief (Tribal Welfare), Hyderabad (presently working as Chief Engineer, Outer Ring Road, HMDA, Hyderabad):

Article 1:

That Sri S. Nagabhushanam, Chief Engineer, Outer Ring Road, HMDA, Hyderabad, while working as Engineer-in-Chief (Tribal Welfare) at Hyderabad during the year 2011-12, had instructed the Superintending Engineer (Tribal Welfare), Warangal to re-evaluate the unresponsive bid submitted Sri P. Devender Reddy in respect of Tender Notice No.62 for the work "BT Road from Peddamittapally to Kunduluru of VR Puram (M) in Khammam District" and recommended the same to the Commissioner of Tenders for approval in violation of G.O.Ms.No.174, Irrigation & CAD Department, dated 1.9.2008 and codal procedures and thereby he failed to maintain absolute integrity in violation of Conduct Rules 1964.

(Basis: ENC (TW) Memo No.DEE1/AEE13/AEE14/TENDERS/2011 dated 28.10.2011).

Article 2:

That the said Sri S. Nagabhushanam, while working as Engineer-in-Chief (Tribal Welfare) at Hyderabad during the year 2011-12, had approved the working estimate of four works under LWEA grant with SSR 2010-11 duly making a provision of 14% towards Contractor's profit and overhead charges, though the same were not loaded in the original estimate sanctioned with SSR 2008-09 to favour the contractor in violation of codal procedures and thereby he failed to maintain absolute integrity in violation of Conduct Rules 1964.

(Basis: Sanctioned and working estimates).

Article 3:

That the said Sri S. Nagabhushanam, while working as Engineer-in-Chief (Tribal Welfare) at Hyderabad during the year 2011-12, had approved the original technical sanction by keeping huge amounts towards non-tenderable items and subsequently approved the boosted up working estimate to favour the contractor, resulting in loss of Rs.4.40 crores to the Government exchequer and thereby he failed to maintain absolute integrity in violation of Conduct Rules 1964.

(Basis: Comparative Statement).

Article 4:

That the said Sri S. Nagabhushanam, while working as Engineer-in-Chief (Tribal Welfare) at Hyderabad during the year 2011-12, had approved the working estimate by deleting or reducing the value of necessary LS items, so as to bring the working estimate within his powers of sanction, in violation of codal procedure and thereby he failed to maintain absolute integrity in violation of Conduct Rules 1964.

(Basis: Comparative Statement).

Thus Sri S. Nagabhushanam, Chief Engineer, Outer Ring Road, HMDA, Hyderabad, by his above mentioned acts, has exhibited lack of integrity and sense of propriety and acted otherwise than in his best judgment and thereby violated Rules 3(1) and (4) of Civil Services (Conduct) Rules 1964.

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

//FORWARDED::BY ORDER//

SECTION OFFICER.

ANNEXURE – II

Statement of imputation of misconduct in support of Article of Charges framed against Sri S. Nagabhushanam, former Engineer-in-Chief (Tribal Welfare), Hyderabad (presently working as Chief Engineer, Outer Ring Road, HMDA, Hyderabad):

On receipt of a complaint from the State Secretary, Akhila Bharatiya Adivasi Vikas Parishad dated 25.5.2012, an appropriate authority has conducted enquiry into allegations of irregularities in evaluation and approval of tenders and price escalation by the Engineer-in-Chief, Tribal Welfare Department, Hyderabad in BT road works in Khammam District and found the following irregularities:

- (1) In respect of Tender Notice No.62, Sri P. Devender Reddy, bidder has not uploaded the required document in respect of key & critical equipment and the same was confirmed from the downloaded documents during bid evaluation.
- (2) The Engineer-in-Chief (Tribal Welfare), after re-examination of technical bid, instructed the Superintending Engineer (Tribal Welfare), Warangal to qualify M/s. Sri Vigneswara Constructions, to re-evaluate the bid of Sri P. Devender Reddy. When the required documents are not uploaded by the bidder, he should have been disqualified without giving the scope for re-evaluation. In the Tender Notice No.62, for which the Agreement period is stipulated as 12 months, the experience of the bidder has been considered though he furnished the experience of road and bridge works in two different years which was rejected in the Tender Notice No.65 for the same bidder. Even the Commissioner of Tenders has provided the same and the collusion of the officers to favour the bidder Sri P. Devender Reddy cannot be ruled out.
- (3) In Tender Notice No.65 for the work "BT Road from Narayanapuram to Mittapally of Bayyaram (M), Khammam District", the bid of the tender of Sri P. Devender Reddy was disqualified stating the reasons that 'latest key & critical equipment was not submitted' and 'submitted similar nature in road and bridge works in different financial years'. But, in case of Tender Notice No.62, for the work "BT Road from Peddamittapally to Kunduluru of VR Puram (M) in Khammam District", the same irregularity, similar nature of work was overlooked and the Superintending Engineer recommended the work to Sri P. Devender Reddy in violation of tender conditions. In fact, when the agreement period was stipulated as 12 months, the experience in both the components i.e. road and bridge works combined together shall be within 12 months but not in two different financial years. Even Commissioner of Tenders accepted the experience of the bidder in similar nature of works in two different financial years and approved the tender in favour of Sri P. Devender Reddy, which is irregular. The Engineer-in-Chief had pointed out the same irregularity in case of Tender Notice No.65 for the same person and disqualified him.
- (4) Instead of rejecting the unresponsive bid submitted by Sri P. Devender Reddy, the Engineer-in-Chief instructed the Superintending Engineer to re-evaluate the bid, in violation of tender conditions and G.O.Ms.No.174, Irrigation & CAD Department, dated 1.9.2008. The Engineer-in-Chief further recommended the unresponsive bid submitted by Sri P. Devender Reddy to the Commissioner of Tenders for approval.
- (5) The Engineer-in-Chief (Tribal Welfare) granted EoAT proposals for the Agreement No.32/2010-11 in respect of four works under LWEA grant upto 30.11.2009 stating that the reasons for delay is not attributable to the contractor.
- (6) The Government, vide G.O.Ms.No.35, Transport, Roads & Buildings (RI) Department, dated 30.1.2009, have directed that the price adjustment shall be applicable within original contract period subject to work done within the agreement period or period extended on grounds of departmental delays and shall not be applicable to the extensions granted on account of the contractor's fault.
- (7) An amount of Rs.1,94,62,741/- was paid towards the price adjustment for working items based on SSR 2010-11 upto LS X & part bill.

(P.T.O....)

- (8) Though the original estimate was sanctioned with SSR 2008-09, the Engineer-in-Chief (Tribal Welfare) approved the working estimate with SSR 2010-11 duly making a provision of 14% towards contractor's profit and overhead charges to favour the contractor in violation of codal procedures, which resulted in a loss of Rs.4.40 crores to the Government exchequer.
- (9) Though the Government had to approve the working estimate as the amount was increased by 30.56%, the Engineer-in-Chief (Tribal Welfare) approved the working estimate by deleting or reducing the value of necessary LS items so as to bring the working estimate within his powers of sanction in violation of codal procedures.

From the above, it is evident that the said Sri S. Nagabhushanam, while working as Engineer-in-Chief (Tribal Welfare) at Hyderabad, has instructed the Superintending Engineer (Tribal Welfare), Warangal to approve the tender of Sri P. Devender Reddy by violating the tender conditions in Tender Notice No.62 for the work "BT Road from Peddamittapally to Kunduluru of VR Puram Mandal in contravention to the decision taking in Tender Notice No.65 and paid price adjustment for the working items based on SSR 2010-11 in violation of codal procedures and released 14% extra to the contractors towards the contractor's profit and overhead charges though the same was not provided in the sanctioned estimate.

Thus the said Sri S. Nagabhushanam, by his above mentioned acts, has exhibited lack of integrity and sense of propriety and acted otherwise than in his best judgment and thereby violated Rules 3(1) and (4) of Civil Services (Conduct) Rules 1964.

The said Sri S. Nagabhushanam has, therefore, rendered himself liable for regular departmental action for Major penalty.

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

//FORWARDED::BY ORDER//

SECTION OFFICER.

ANNEXURE – III

List of Witnesses in support of Article of Charges framed against Sri S. Nagabhushanam, former Engineer-in-Chief (Tribal Welfare), Hyderabad (presently working as Chief Engineer, Outer Ring Road, HMDA, Hyderabad):

- Nil -

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

//FORWARDED::BY ORDER//

SECTION OFFICER.

ANNEXURE – IV

List of Documents in support of Article of Charges framed against Sri S. Nagabhushanam, former Engineer-in-Chief (Tribal Welfare), Hyderabad (presently working as Chief Engineer, Outer Ring Road, HMDA, Hyderabad):

1. ENC (TW) Memo No.DEE1/AEE13/AEE14/TENDERS/2011 dated 28.10.2011.
2. Sanctioned and working estimates for four works under LWEA grant with SSR 2010-11.
3. Comparative Statement for four works under LWEA grant with SSR 2010-11.

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

//FORWARDED::BY ORDER//

SECTION OFFICER.